



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



**LETTER OF DEFICIENCY
WD WQE 02-02
March 20, 2002**

Richard R. Gagne
10 Aiden Circle
Belmont, NH 03220

RE: RSA 485-A 7 Violations at Aiden Circle, Belmont, NH

Dear Mr. Gagne:

On February 22, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of your property located in Belmont, New Hampshire, more particularly identified on Belmont Tax Map 238 as Lot 4 ("the Property"). The purpose of this inspection was to determine compliance with RSA 485:A-17, Alteration of Terrain. During the inspection the following deficiencies were documented:

- a. The area of disturbance on the Property was in excess of 100,000 square feet. Disturbances of greater than 100,000 square feet require a Site Specific permit from DES.
- b. The disturbed areas were not stabilized.
- c. Erosion control measures were not installed on the Property.
- d. A soil stockpile on the Property was not stabilized, and sediment from the stockpile appeared to have entered a perennial stream adjacent to the Property.
- e. A borrow pit on the Property, located at the edge of a steep slope adjacent to a perennial stream, lacked erosion and sediment control measures.
- f. The entrance to the Property had not been stabilized, and rutting was evident on the road.

A review of DES records indicates that no permits have been applied for or issued to Mr. Gagne for any activities on the Property.

In response you are requested to take the following actions:

- 1) Immediately stabilize the Property, including any and all soil stockpiles, and in particular, the perimeter of the borrow pit.

- 2) Within 10 days of this Order, prepare an erosion and sediment control plan ("Plan") for the Property, and submit said Plan to DES for review. The Plan shall include a schedule for implementing the measures described in the Plan.
- 3) Implement the Plan at the Property, as approved by DES, in accordance with the approved schedule.
- 4) Within 30 days of this Letter of Deficiency ("LOD"), submit an application for a Site Specific permit to DES for the Property. The application shall be prepared by a professional engineer licensed in the State of New Hampshire, and shall be prepared in accordance with Env-Ws 415.05.
- 5) Stabilize the entrance to Aiden Circle, and install water bars on the road.

DES believes that the deficiencies can be corrected within 30 calendar days.

Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 485-A:17 will result in enforcement action by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Ridgely Mauck, P.E.
Site Specific Program
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter please contact Ana Ford at (603) 271-3380.

Sincerely,



Ridgely Mauck, P.E.
Land Resources Management Program

CERTIFIED MAIL # 7099 3400 0002 9774 8258

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, DES Enforcement Coordinator
Belmont Planning Board
Belmont Conservation Commission